## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			25-Sep-07	APPL. S. N:	10774059						
To Exam	iner:		VO, NGUYEN THANH	Art Unit	2618						
From			Gunter-Riley, Joyce PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68						
SUBJEC	<b>T:</b> Decisio	n on Terminal	Disclaimer(T.D.) filed:								
orm par or have a	agraphs io any quest	dentified by th ions, please se	I the submitted T.D. with the res is informal memo in your next Of the me or the Special Program ExampPLICANT OR (2) PLACED OF R	ffice action to notify applicant of aminer. THIS IS AN INFORMAL, I	the T.D. If you disagree NTERNAL MEMO ONLY.						
olease in	itial, date	and return th	is memo to me. THANK YOU.								
<u> </u>	The T.D.	is PROPER and	d has been recorded (see 14.23).		•						
	The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):										
		The TD fee of use of a depo		d nor is there any authorization i	n the application file for the						
	<u></u>	The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).									
	Γ.	The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).									
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).									
		The person who signed the T.D.:									
		is no	ot an attorney "of record" (see 14	1.29 and 14.29.01).							
		☐ has	failed to state his/her capacity to	sign for the business entity (see	14.28).						
		is no	ot recognized as an officer of the	assignee (see 14.29 & possible 1	4.29.02).						
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).									
	$\Gamma$	The T.D. is no	t signed (see 14.26 & 14.26.03).								
			nber of the application (or the nu ection is missing or incorrect (see		the basis for the double						
			nber of this application (or the numissing or incorrect (see 14.26, 2		reissue cases being						
		The period dis	sclaimed is incorrect or not specif	ied (see 14.26, 14.27.02 or 14.2	6.03).						
		Other:			×						
	Γ.	Suggestion to and do not ch	request refund (see 14.36). NOT eck this item.	ΓΕ: If already authorized, credit r	efund to deposit account						
have ap	propriate	ly notified app	licant(s) of the status of the Terr	ninal Disclaimer filed in this case							
x.Initial	s:	Date	:: ·		Log Date:						

Application Number		Application/Control No.		Re	Reexamination	
		10/774,059		PEDLAR ET AL.		
Document Code - DISQ		Internal Doc			cument – DO NOT MAIL	
TERMINAL DISCLAIMER		☑ APPROVED			☐ DISAPPROVED	
Date Filed : September 11, 2007	This patent is subject to a Terminal Disclaimer					
Approved/Disapproved by:						
Henry D. Jefferson						

U.S. Patent and Trademark Office

PTO/SB/25 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) 1578.602					
In re Application of: David Winstone Pedlar et al.						
Application No.: 10/774,059						
Filed: February 6, 2004						
For: Apparatus and Method for Operating a Communications Device in a Mobile Communications Network						
The owner*, M-STACK LIMITED , of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/774,306 , filed on February 6, 2004 , as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.						
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.						
Check either box 1 or 2 below, if appropriate.						
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.						
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
2. The undersigned is an attorney or agent of record. Reg. No. 38,324						
/Jack D. Stone, Jr./	September 11, 2007					
Signature	Date					
Jack D. Stone, Jr.						
Typed or printed name						
	(214) 706-4207					
	Telephone Number					
✓ Terminal disclaimer fee under 37 CFR 1.20(d) is included.						
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.						

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Approved for use through 09/30/2007. OMB 0651-0031

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Check either box 1 or 2 below, if appropriate.						
1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.						
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
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/Jack D. Stone, Jr./	September 11, 2007					
Signature	Date					
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